

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JAMES M. SWEENEY, <i>et al.</i> ,)	
)	
Plaintiffs,)	CIVIL ACTION
)	
vs.)	NO. 10 C 1134
)	
TIM DEANY, d/b/a DEANY EXCAVAT-)	JUDGE VIRGINIA M. KENDALL
ING COMPANY, a sole proprietorship,)	
)	
Defendant.)	

MOTION FOR ENTRY OF JUDGMENT

Plaintiffs, by and through their attorneys, default having been entered against the Defendant on August 3, 2010 request this Court enter judgment against Defendant, TIM DEANY, d/b/a DEANY EXCAVATING COMPANY, a sole proprietorship. In support of that Motion, Plaintiffs state:

1. On August 3, 2010, this Court entered default against Defendant and granted Plaintiffs' request for an order directing Defendant to turn over its monthly fringe benefit contribution reports for the time period October 2009 through the present date within 14 days of the entry of said Order. The Court also entered an order that judgment would be entered after the reports were submitted by Defendant and Plaintiffs determined the amount due.

2. Defendant has submitted its monthly fringe benefit contribution reports for October 2009 through December 2009. The reports show that the Defendant is delinquent in contributions to the Funds in the amount of \$22,230.00. (See Affidavit of David S. Bodley).

3. Additionally, the amount of \$2,223.01 is due for liquidated damages. (Bodley Aff. ¶ 5).

4. On October 26, 2009, Defendant entered into a 12-month payment plan beginning on November 1, 2009 for the repayment of fringe benefit contributions due for the time period April 2009 through August 2009. Defendant is delinquent in the submission of its monthly installments due for December 1, 2009 through the present. Accordingly, Defendant owes \$32,396.25 for contributions for the stated time period. (Bodley Aff. ¶ 6).

5. The amount of \$12,679.63 is due for liquidated damages for the payment plan for the time period November 2007 through June 2008 and August 2008 through August 2009. (Bodley Aff. ¶ 7).

6. The amount of \$2,046.50 is due from Defendant for interest pursuant to the payment plan. (Bodley Aff. ¶ 8).

7. In addition, Plaintiffs' firm has expended \$720.00 in costs and \$2,940.00 in reasonable attorneys' fees in this matter. (See Affidavit of Catherine M. Chapman).

8. Based upon the documents attached hereto, Plaintiffs request entry of judgment in the total amount of \$75,235.39.

WHEREFORE, Plaintiffs respectfully request this Court to enter judgment in the amount of \$75,235.39.

/s/ Cecilia M. Scanlon

CERTIFICATE OF SERVICE

The undersigned, an attorney of record, hereby certifies that she electronically filed the foregoing document (Motion for Entry of Judgment) with the Clerk of Court using the CM/ECF system, and further certifies that I have mailed the above-referenced document by United States Mail to the following non-CM/ECF participant on or before the hour of 5:00 p.m. this 5th day of October 2010:

Mr. Tim Deany
Deany Excavating Company
22121 W. Cuba Road
Lake Zurich, IL 60047-3057

/s/ Cecilia M. Scanlon _____

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